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OFFICIAL COPY

OF THE

Militia Law of Louisiana,

ADOPTED BY THE

STATE LEGISLATURE,

JANUARY 23, 1862.

BATON ROUGE:
TOM BYNUM, STATE PRINTER
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THE JAPANESE

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No. 97.]

AN ACT

To Reorganize the Militia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That the Militia of the State of Louisiana shall be composed of all the free white males capable of bearing arms residing in the State, and are eighteen years of age and not over forty-five, and who are not exempt under this law.

SEC. 2. *Be it further enacted &c.,* That the Militia of each parish of the State shall be organized by the Major General into one or more Regiments or Battalions, according to the number of men liable to militia duty in that parish. That the militia in the city of New Orleans shall be divided into Regiments by the several Representative Districts, or districts adjoining each other, where the number of persons liable to militia duty in said districts is insufficient, or more than sufficient for a full Regiment, in which case said districts may be united or divided to equalize said Regiments; parishes, lying on both sides of the Mississippi River may be divided in their organization, the portion of each on either side of the river to constitute a separate Battalion or Regiment, as the case may be.

SEC. 3. *Be it further enacted, &c.,* That there shall be one Major General for the State, who shall be elected by the General Assembly in joint ballots, for the term of three years; and in case of vacancy occurring from death, resignation or otherwise, he shall be appointed by the Governor for the unexpired term, with the consent of the Senate.

SEC. 4. *Be it further enacted, &c.,* That not less than four, nor more than six Regiments, organized under this act, shall constitute a Brigade

SEC. 5. *Be it further enacted, &c.,* That the Governor shall appoint one Brigadier General for each Brigade for the term of three years, with the consent of the Senate.

SEC. 6. *Be it further enacted, &c.,* That the Governor shall appoint Colonels, Lieutenant Colonels and Majors for each Regiment or Battalion, for a term of three years, and at the end of their term of office, they shall be elected by the commissioned officers of the regiment; provided, that if they fail to elect the Governor shall appoint said officers.

SEC. 7. *Be it further enacted, &c.,* That immediately after the Colonels, Lieutenant Colonels and Majors shall have been qualified, they shall divide the Regiments or Battalions into company beats, and recommend to the Governor suitable persons for the offices of Captain and Lieutenants of their several companies, who shall be appointed for the term of three years; and in the event of the appointment of any of the said officers of any one holding a commission, the commissions issued shall carry with them the same seniority of rank existing under the old commissions.

SEC. 8. *Be it further enacted, &c.,* That all officers shall reside within the bounds of the corps they command; but in New Orleans, one Field Officer may be selected from without said bounds, if he lives within the city.

SEC. 9. *Be it further enacted, &c.,* That each company shall consist of one Captain, one First Lieutenant, one Second Lieutenant, one Third Lieutenant, five Sergeants, four Corporals, and not less than thirty-two privates if practicable, nor more than one hundred, except the parish of Orleans, where the companies shall consist of not less than sixty privates, nor more than one hundred; each company of artillery shall consist of one Captain, two First Lieutenants, two Second Lieutenants, eight Sergeants, twelve Corporals, two Buglers, six Artificers, and sixty-four privates.

SEC. 10. *Be it further enacted, &c.,* That each Regiment shall consist of one Colonel, one Lieutenant-Colonel, one Major, one Adjutant, one Assistant Quartermaster, who shall act as Paymaster, one Surgeon, one Assistant Surgeon, one Sergeant-Major, one Quartermaster Sergeant, two Chief Musicians, and of ten companies; and two, and not more than four companies shall form a Battalion, to be commanded by a Major; and five, and less than ten, to be commanded by a Lieutenant Colonel and Major.

SEC. 11. *Be it further enacted, &c.,* That a troop of horse shall be composed of one Captain, one First Lieutenant, one Second Lieutenant, one Cornet, four Sergeants, four Corporals, one Farrier, one Saddler, and at least thirty-two privates.

SEC. 12. *Be it further enacted, &c.,* That two Troops shall form a Squadron, and be commanded by the oldest Captain; four Squadrons of Horse shall form a Regiment, and be commanded by a Colonel, Lieutenant Colonel and Major, and have the same staff as a Regiment of Infantry.

SEC. 13. *Be it further enacted, &c.,* That the staff of the Major General shall consist of a Quartermaster General and one Aide-de-Camp for every Brigade, either Militia or Volunteer, a Paymaster General and a Surgeon General. The staff of a Brigadier General shall consist of a Brigade Major, who is also Brigade Inspector, and an Aids-de-Camp for every two Regiments in the Brigade, a Brigade Quartermaster, a Brigade Paymaster, and a Surgeon of the Brigade Staff.

SEC. 14. *Be it further enacted, &c.* That the Governor of the State shall be Commander-in-Chief. His Staff shall consist of the Adjutant and Inspector General, and of at least four Aids-de-Camps, and as many additional ones as he may deem necessary.

SEC. 15. *Be it further enacted, &c.,* That the Adjutant and Inspector General shall have the rank of Brigadier General; he shall be appointed by the Governor, with the advice and consent of the Senate, for three years; he shall receive during war, and for six months thereafter, the full pay allowed by law to a Brigadier in the Confederate States army, and in time of peace half pay; he shall perform all the duties imposed on him by the laws of the Confederate States, or which, by military usage, belong to the chief of the staff of the Commander-in-Chief; he shall keep his office at the seat of government or New Orleans; he shall inspect all the forces of the State at least once every year, or any part thereof, whenever required to do so by the Commander-in-Chief, and shall make a report of the state of the militia to the Legislature within the first ten days of their annual session; he shall furnish all such reports, statements and returns as may be required by the Commander-in-Chief, and shall transmit all such orders as may be sent to him for that purpose; he may appoint two assistants in time of war, who shall have the rank of Captain, and who, in the absence of the Adjutant General from headquarters, may receive and transmit all orders, reports and returns. The Adjutant General shall furnish printed forms of all the returns required, the expense of printing which shall be paid by the State Treasurer, on the war-

rants of the Adjutant General, approved by the Governor; he shall have charge of all the arms, munitions and accoutrements belonging to the State; for any neglect of his duties he shall be liable to be fined by a general court of assessments, not less than fifty dollars nor more than five hundred.

SEC. 16. *Be it further enacted, &c.,* That the Quartermaster General shall have the rank of Colonel; the Surgeon General shall have rank similar to that of the Surgeon General of the Confederate States army; the Aids-de-Camp of the Commander-in-Chief shall have the rank of Lieutenant Colonel; the Aids-de-Camp of a Major General shall have the rank of Major; the Brigade Major and Inspector shall have the rank of Major; the Quartermaster and Paymaster of Brigade, and the Aids-de-Camp of a Brigadier General, shall have the rank of Captain; the Assistant Quartermaster and Paymaster of a regiment shall have the rank of First Lieutenant; the Surgeons and Assistant Surgeons, whether of the general or regimental staff, shall rank as Surgeons and Assistant Surgeons of the Confederate States army. All non-commissioned staff officers shall be appointed from the line, and have no other rank than that they hold in the line; they shall have, however, the authority of the office they are appointed to.

SEC. 17. *Be it further enacted, &c.,* That all staff officers shall be appointed by, and hold their commissions at the pleasure of their immediate chief; they shall be commissioned by the Governor upon the nomination of the appointing officers. An officer of the line receiving staff appointment only temporarily, may retain his commission in the line.

SEC. 18. *Be it further enacted, &c.,* That the duties of all officers, non-commissioned officers and privates, shall be such as by military law and usage are required of similar grades in the army of the Confederate States, and by the laws of this State or the Confederate States.

SEC. 19. *Be it further enacted, &c.,* That the Brigade Inspector shall attend all battalion or regimental musters of the brigade to which he belongs, whenever ordered by the Brigadier General, and make strict inspection of each corps and proper returns thereof; he shall distribute the forms received from the Adjutant General, and condense and transmit all returns made in conformity therewith; he shall keep the roster of the officers of the brigade, and make all details for detachments therefrom; he shall receive and inspect all detachments from the different corps of the brigade, and see that they are marched to their place of rendezvous. For every day actually employed in his duties, when not in the service of the Confederate States, he shall receive three dollars, which shall be paid to him by the State Treasurer, on his own warrant, accompanied by the certificate of the commander of the brigade, showing the number of days he was actually employed, and countersigned by the Governor.

SEC. 20. *Be it further enacted, &c.,* That all resignations shall be addressed to the Commander-in-Chief, and no officer shall be released from the duties appertaining to his office under the plea that he has resigned, until he can produce the written acceptance of his resignation from the Commander-in-Chief, or an official order from the same source.

SEC. 21. *Be it further enacted, &c.,* That every officer who accepts a commission, shall be bound to serve for the period prescribed by this act, unless he become disqualified by law.

SEC. 22. *Be it further enacted, &c.,* That whenever any duty is imposed by law on an officer who is sick, absent, or incapable from any cause of performing it, the officer next to him in rank in the corps, and so on in

succession to the lowest rank, shall be obliged to perform said duty, and in the performance of it shall have the same authority, right and power, as the officer whose duty he performs; but when any such duty is imposed on an officer who neglects it, his immediate superior, and in succession, those above him, shall be bound to take measures to have such duty performed, and may designate any officer under their command to perform it; and the officer so designated shall, while performing said duty, have the same authority, rights and powers as belong to the office, the duty of which he is performing. And whenever the laws or regulations for governing the militia are not enforced, and the superior orders duly obeyed, within the bounds of any corps in the State, either from the want of officers, or from the neglect of those in commission, or from any other cause, the Commander-in-Chief is authorized to designate any officer to take charge of said corps, and to do all that the law requires to be done by any officer of it, or that may be necessary to restore its complete organization; and the officer so designated shall have all the authority, rights and powers of any of the officers whose duties he performs.

SEC. 23. *Be it further enacted, &c.,* That all non-commissioned officers of companies shall be appointed by the Captains of their companies, and shall be obliged to serve three years; a certificate of their appointment, signed by the Captain and Commander of their battalion, shall be full evidence of their rank.

SEC. 24. *Be it further enacted, &c.,* That it shall be the duty of the Assessors of State taxes throughout the State to enroll all the inhabitants of their respective parishes or districts, who are subject to militia duty, at the same time they make their respective assessments, and to return the same to the Adjutant General at the same time they return their assessment rolls, under a penalty of five hundred dollars, to be recovered by the district attorney of the several districts, for the use and benefit of the brigade.

SEC. 25. *Be it further enacted, &c.,* That the Major General or Brigadier General shall order a review at least once in each year by regiments or battalion.

SEC. 26. *Be it further enacted, &c.,* That every field officer who shall fail to attend a review when ordered by the Commander-in-Chief, Major General or Brigadier General, shall be liable to a fine of twenty dollars; every company officer shall be liable to a fine of ten dollars, and every non-commissioned officer and private to a fine of five dollars; and every commissioned officer who shall fail to attend a regimental, battalion or company drill, shall be liable to a fine of five dollars for each offense.

SEC. 27. *Be it further enacted, &c.,* That whenever the commander of any company shall receive an order for inspection or review from any superior officer, he shall notify his subalterns and other members of his company to attend at the time and place of such inspection or review, armed and equipped according to law, and he shall furnish the officer in command of the regiment with a complete list of all the persons subject to militia duty within the bounds of his beat, on the day of inspection or review.

SEC. 28. *Be it further enacted, &c.,* That the day after every company, battalion, regimental drill or other review, the Orderly Sergeant shall make out a list of all absentees, and of all persons residing in the company beat who have failed to attend said review, whether officer, non-commissioned officer or private. This list shall be certified by the Orderly Sergeant and by

the person commanding the company at the time of muster, and if it were a battalion muster, the Adjutant shall also make a list of the absent staff, which he shall sign, as well as the officer who commanded the regiment or battalion at the time of muster. This list shall be returned to the commanding officer, and by him reported to the court of assessment before its next sitting.

SEC. 29. *Be it further enacted, &c.,* That the Commander-in-Chief may, whenever he is of opinion the public safety requires it, order out any portion of the State troops, and require them to perform any service or duty necessary for the public security; and troops called out for active service shall be furnished with the necessary ammunition, equipage and quarters. Detachments called out for a longer period than twelve hours shall be furnished with convenient quarters or tents, and with lights and fire, if necessary; and if required to serve more than twelve hours, shall also be furnished with rations. All supplies shall be furnished by the Quartermaster's Department, and the Quartermaster General is authorized to draw from the Treasury, on his own warrant, the sums necessary to purchase supplies, for which he shall account to the State Treasurer in the form and manner required of Quartermasters of the Confederate States army. The officers of his department under him shall account to him in the same manner as he to the State Treasurer. The Commander-in-Chief shall require security from every officer to whom money is to be confided for the public service, and from all paymasters; and if such security be not furnished, the officer must be removed and another appointed.

SEC. 30. *Be it further enacted, &c.,* That no detachment shall be required to serve more than three months at one time, unless in case of urgent necessity, when the Commander-in-Chief is authorized to detain them six months longer. The time of going to the place of rendezvous and returning from the place of discharge, is not counted in the term of service.

SEC. 31. *Be it further enacted, &c.,* That every officer of the militia is authorized, in case of sudden and urgent danger, to call his command into immediate service and detain it until the necessity ceases or a superior officer dismisses him. Immediate notice of danger must always be sent to the nearest superior officer.

SEC. 32. *Be it further enacted, &c.,* That all persons are free from arrest in all civil cases when going to or returning from military muster or duty, and during one day for every twenty miles they have to travel in so going or returning, their arms, uniforms, accoutrements, and the horses of those required to be mounted, with their equipage, are free from seizure in any civil action.

SEC. 33. *Be it further enacted, &c.,* That the keepers of all ferries allowed to collect tolls either under the authority of the State or of the parishes, must pass all persons subject to military duty going to or returning from muster or other military duty, their horses and equipage, free of toll, and if they delay them unnecessarily shall be subject to a fine of not less than ten dollars, to be recovered by any person before a competent tribunal, for the use of the fund of the regiment in which the muster took place.

SEC. 34. *Be it further enacted, &c.,* That the commanding officer at any muster may prescribe limits to his parade, and if any one enter such limits without the consent or permission of the commanding officer (unless it be one peaceably passing along the public road), or if any one attempt to interrupt the exercise by loud noise or unruly conduct, the commanding officer may arrest him and commit him to prison, if there be one conve.

nient, or confine him under guard if there is not, for not more than twelve hours.

SEC. 35. *Be it further enacted, &c.,* That arms and accoutrements shall be issued from the State armory to the officers commanding regiments or corps, upon their giving sufficient security for the safe keeping of the arms, and to return them when required by the Commander-in-Chief, and they shall be liable for each arm or accoutrement not produced at any inspection in good order, and may be cited before a proper court of assessment for the value of said arms, and be condemned then to pay it; which amount shall be recovered as fines before that court, and paid over to the State Treasury, reserving to any officer thus condemned the right to the same means in recovering the value of the arms from those to whom he delivered them.

SEC. 36. *Be it further enacted, &c.,* That the Adjutant General and Brigade Inspectors shall have the right of taking all arms and military property belonging to the State, wherever they may find them; and every person refusing to deliver up such arms or property may be compelled to do it by suit before any Justice of the Peace or other competent court, brought by the officer demanding them in the name of the State, and the defendant, if judgment is rendered against him, shall be condemned to pay a fine of twenty dollars for each offense.

SEC. 37. *Be it further enacted, &c.,* That the Commander-in-Chief, the Major General, and Adjutant and Inspector General, are hereby authorized to adopt and designate a uniform for the militia.

SEC. 38. *Be it further enacted, &c.,* That the militia and volunteers shall be trained according to the system from time to time adopted by the Confederate States, in arms and tactics, and no other shall be allowed at any muster established by law.

SEC. 39. *Be it further enacted, &c.,* That the companies of the regular militia shall take rank in the line according to the system laid down for the army; in volunteer corps they shall take rank according to the date of their formation; and among volunteer corps no companies shall have the right to the flanks of the Battalion as Grenadier, Light Infantry or Riflemen, unless they are entitled to the place from the date of their formation, or receive it from the chief of the Battalion as the reward of eminent conduct and discipline.

SEC. 40. *Be it further enacted, &c.,* That in case of any conflagration or other public exigency happening in any incorporated city or town, the Mayor, or other chief officer thereof, shall have power to demand from the officer commanding the militia of said place a detachment of men to make patrols and maintain good order as long as the conflagration continues or the exigency exists, and the commanding officer shall furnish such detachment. The commander of the detachment shall have the right to demand of, and shall receive from the civil officer requiring his services written instructions as to the duty expected of him.

SEC. 41. *Be it further enacted, &c.,* That the following persons only shall be exempt from militia service: The members of the General Assembly, the Judges of the several Courts of Record, the Secretary of State, the Treasurer and Auditor of the State, the Attorney General and District Attorneys of the State, the Secretary and Assistant Secretary of the Senate, the Clerk and the Assistant Clerk of the House of Representatives, Clerks of Courts of Record, Sheriffs, licensed Physicians in actual practice, Ministers of the Gospel, Mayors and Recorders of cities, one Apothecary in each store, Com-

missioner of the Land Office, Registers of the Land Offices of the State, and keepers of the public prisons, all persons engaged in the mail service, and all persons exempt under the laws of the Confederate States by virtue of their employment in the civil, military or naval service of said Government, and persons who are physically incapable of bearing arms, who produce a certificate to that effect from the Surgeon of the Regiment or Battalion to which he may be attached; all persons liable to military duty under the provisions of this act, who have or shall have been in the State or Confederate service in the present war, and who shall have served out the time for which they enlisted, or who shall be or have been honorably discharged for any cause whatever, shall be exempt from the military duties required of them under the provisions of this act, for the same length of time that said persons have or shall have served in the State or Confederate service as aforesaid. *Provided further*, That exemptions to Sheriffs and Clerks shall not be so construed so as to include their deputies. *Provided further*, If any other person above designated accept a commission in the militia service they will be considered as having waived their exemption. All other general and special exemptions are hereby repealed.

SEC. 42. *Be it further enacted, &c.*, That Volunteer Companies, Battalions, Regiments and Brigades may be organized in this State under the same rules as Companies, Battalions, Regiments and Brigades of the regular Militia, with the following exceptions and regulations: Each company shall consist of not less than sixty privates for Artillery and Infantry, and thirty-two for Cavalry; provided, that no Company shall have more than one hundred privates; ten Companies shall form one Regiment, and not less than four nor more than six Regiments shall form a Brigade, and any Company of Artillery or Cavalry may be attached to a Volunteer Brigade with the consent of the Commander-in-Chief. The volunteer companies, Regiments and Brigades may determine the mode of electing or appointing their own officers, which officers shall be the same as are provided by this act for the militia, and be subject to the orders of the Commander-in-Chief and the Major General of the State; *Provided*, that any Volunteer Company, Regiment or Battalion organized according to this act, which shall not have attached itself to any Brigade within thirty days after the passage of this act, may be attached, by the Commander-in-Chief, to any Brigade either volunteer or militia.

SEC. 43. *Be it further enacted, &c.*, That the different companies and Regiments may select their own uniform and adopt such by-laws and regulations for their government, which shall have the force of laws when approved by the Commander-in-Chief; provided, the same be not inconsistent with this act. Their courts-martial and courts of assessment and inquiry shall be formed as under the provisions of this act.

SEC. 44. *Be it further enacted, &c.*, That after thirty days after the passage of this act no additional volunteer companies shall be formed without the consent of the Commander-in-Chief, and that no person shall be received after said time in any volunteer company without the consent of the Major General. Whenever any member of a volunteer company shall resign or be dismissed, it shall be the duty of the Captain of the volunteer company in which such resignation or dismissal shall take place, to notify the Colonel of the militia of the district in which said person resides. Upon failure of the Captain to give the notice herein required, he shall be subject to a fine of not less than fifty dollars for each offense.

SEC. 45. *Be it further enacted, &c.,* That whenever a Volunteer Company shall appear at any three successive musters, whether Battalion, Regimental, Company or general muster, with one-third less the number of privates required to form such Company, the commander of the Company shall report the same to the Commander-in-Chief, who may thereupon dissolve said Company. Any Captain who shall fail to make said report shall be fined not less than one hundred dollars and be deprived of his commission. Notices required in this and preceding section shall be given within three days.

SEC. 46. *Be it further enacted, &c.,* That volunteer officers shall take precedence over militia officers of the same rank.

SEC. 47. *Be it further enacted, &c.,* That all the returns, certificates, reports and communications required to be made to the Commander-in-Chief shall be addressed to the Adjutant and Inspector General.

SEC. 48. *Be it further enacted, &c.,* That the Commander-in-Chief is hereby authorized to establish arsenals in such places as he may deem proper and appoint Armorsers for the same, and adopt regulations for the use of the arms of the State in drilling the volunteer and militia companies.

SEC. 49. *Be it further enacted, &c.,* That if any officer of the militia be accused of an offense for which an officer in the militia service of the Confederate States would be liable to be arrested and tried by a court-martial, he shall be arrested and tried by a court martial, and if he be found guilty, shall be sentenced to be reprimanded, suspended for a certain period, or cashiered; if he be cashiered, the court shall adjudge him incapable of holding any office in the militia for life, or for not less than one year, according to the gravity of the offense. All sentences shall be published in orders by the Commander-in-Chief, as he may direct.

SEC. 50. *Be it further enacted, &c.,* That any person accusing an officer of an offense for which he would be liable to be tried by a court-martial, shall lay his complaint before the immediate superior of the accused, who shall transmit it, with his own observations thereon, to the Commander-in-Chief; the latter shall cause to be detailed a court-martial to try the accused if the offense appear to merit it, or shall direct the accused to be brought before a court of assessment, as the case may seem to require, or he may order a court of inquiry, upon whose report he may decide what to do, or may dismiss the complaint. The officer before whom the complaint is first made, may either arrest the offender, or postpone his arrest until he appears before the court-martial or court of assessment.

SEC. 51. *Be it further enacted, &c.,* That the Commander-in-Chief shall order all court-martials and courts of inquiry, and general and brigade courts of assessment; but he may direct the detail for these courts, or any part of it, to be made by any other officer of competent rank.

SEC. 52. *Be it further enacted, &c.,* That a court-martial shall consist of a President, at least six members, and not more than twelve, a Judge Advocate, and a Provost Marshal. A court of inquiry and court of assessment shall each consist of a President, four members, a Judge Advocate and Provost Marshal.

SEC. 53. *Be it further enacted, &c.,* That when the Commander-in-Chief orders a court-martial for the trial of any officer, or a court of inquiry to examine into the charges, he shall give to the Judge Advocate a copy of the charges and specifications on which the accusation is made. The Judge Advocate is authorized to put such charges and specifications

into legal form, without altering their substance, and shall then have a copy served on the accused by the Provost Marshal at least two days before the day fixed for the assembly of the court, and allowing the accused also one day more for every twenty miles from his domicil to the place of sitting of the court.

SEC. 54. *Be it further enacted, &c.,* That there shall always be detailed four supernumerary members for a court of inquiry or assessment, who shall attend the court until it is organized, to replace those absent or excused from serving.

SEC. 55. *Be it further enacted, &c.,* That the Colonel or commanding officer of any regiment or battalion, may order and appoint a regimental or battalion court of assessments for the trial of the non-commissioned officers and privates for failure to attend drills, musters and reviews; said court shall consist of three commissioned officers, a Judge Advocate and a Provost Marshal.

SEC. 56. *Be it further enacted, &c.,* That the President, members and Judge Advocate of courts-martial and courts of inquiry and courts of assessment, shall take the oaths and be governed by the rules and regulations laid down for the army and militia in the service of the Confederate States (changing what ought to be changed;) but they may hold their sessions at night.

SEC. 57. *Be it further enacted, &c.,* That the Provost Marshal, upon receiving his appointment, shall take an oath faithfully to perform the duties of his office, before any Justice of the Peace, and shall present said oath duly certified, to the court upon its first sitting, to be recorded among their proceedings.

SEC. 58. *Be it further enacted, &c.,* That the Judge Advocate shall issue summonses for all witnesses, which the Provost Marshal shall serve; and if any witness, duly summoned fail to appear, the court-martial may fine him not more than twenty dollars, and attach him and compel his appearance.

SEC. 59. *Be it further enacted, &c.,* That courts-martial, courts of inquiry, and courts of assessment, shall have power to maintain order in their presence, and to commit to the prison of the parish in which either may be sitting; for not more than twenty-four hours, all persons guilty of any breach of order; and to fine not exceeding twenty-five dollars. All process of either court, in the maintenance of its order and authority, shall be served by the Provost Marshal; nor will the execution of any such process be suspended by the dissolution of the court.

SEC. 60. *Be it further enacted, &c.,* That an officer arraigned before a court-martial shall not have the right to challenge any member unless for cause.

SEC. 61. *Be it further enacted, &c.,* That the proceedings and sentence of a court-martial shall be referred to the Commander-in-Chief; if he approve the sentence, it shall be executed accordingly, unless he think fit to remit the punishment; if he disapprove it, the proceedings will end, unless he send back the matter to be reconsidered by the court.

SEC. 62. *Be it further enacted, &c.,* That the Judge Advocate and Provost Marshal of each court-martial, court of inquiry or court of assessment, shall receive a compensation, to be fixed by the court, of not more than five dollars a day for each day necessarily engaged in their

duties, which shall be paid them from the State Treasury, upon their own warrants, certified by the President of the court.

SEC. 63. *Be it further enacted, &c.,* That Colonels, Lieutenant Colonels and Majors, for absence from parade, or neglect of duty, or contravention of law not subjecting them to be tried by a court-martial, shall be fined by a brigade court of assessment, not less than five dollars, nor more than one hundred; Brigadier and Major Generals, for similar offenses, by a general court of assessment, not less than fifty dollars, nor more than two hundred dollars.

SEC. 64. *Be it further enacted, &c.,* That when any Major, Lieutenant Colonel or Colonel shall be absent from parade, or be guilty of any neglect of duty or contravention of law, not subjecting him to a trial by court-martial, and the Brigade Inspector, or other officer, if superior, shall certify the same to the Brigadier General, or if the charge from any other person be made on oath, a brigade court of assessment shall be ordered, and the Judge Advocate shall notify the accused of the charge brought against him, and of the time and place of the sitting of the court. The certificate of the Brigade Inspector, or any officer superior to the accused, shall be taken as *prima facie* evidence of the offense; if the accusation come from any other officer, it must be established by legal proof before the court of assessment.

SEC. 65. *Be it further enacted, &c.,* That when any Major General or Brigadier General is accused of any offense mentioned in the foregoing section, and it is certified by the Brigade Inspector, or Adjutant and Inspector General, or any other person, a general court of assessment shall be ordered by the Commander-in-Chief, and the same rules shall apply to this case as in the case of brigade court of assessment, as above laid down.

SEC. 66. *Be it further enacted, &c.,* That if a general or brigade court of assessment condemn an officer brought before it to pay a fine, it shall be the duty of the Provost Marshal to collect said fine, and if the officer, after three days notice and demand, fails or refuses to pay said fine, the Provost Marshal shall return said sentence to the court, with his action upon the premises endorsed thereon, and said court shall immediately notify said officer to appear at their next sitting, to show cause why he should not be cashiered; and if no satisfactory cause is shown, he shall thereupon be reprimanded, suspended for a certain period, or cashiered, and if he be cashiered, the court may adjudge him incapable of holding any office in the militia for life, or for not less than one year.

SEC. 67. *Be it further enacted, &c.,* That any non-commissioned officer or private, who shall fail to attend a company drill, shall be fined three dollars for each offense; for failure to attend a regimental or battalion drill, four dollars for each offense; and for failure to attend a general or brigade review, five dollars for each offense, and to imprisonment in the parish prison not exceeding forty-eight hours in default of paying said fine, which shall be assessed by a regimental or battalion court of assessment, upon due proof of said offense; provided, that said non-commissioned officer and private shall receive twenty-four hours notice of said trial, and have the right of establishing before said court a good and reasonable excuse for failing to attend.

SEC. 68. *Be it further enacted, &c.,* That it shall be discretionary with the commanding officer to reduce said fine one-half, upon its being paid before the delinquent is notified to appear before the court of assessment;

and provided the commanding officer shall have power to excuse any delinquent upon a reasonable excuse, and not report said delinquent.

SEC. 69. *Be it further enacted, &c.,* That the commander of regiments or battalions shall have a discretionary power to excuse persons from drill or review, whenever, in their opinion, the public good may require it.

SEC. 70. *Be it further enacted, &c.,* That when said court of assessment shall sentence any non-commissioned officer or private as aforesaid to pay any fine, it shall be the duty of the Provost Marshal to collect said fine, and if the same is not paid within twenty-four hours, it shall be the duty of the Provost Marshal to arrest said party and commit him to the parish prison.

SEC. 71. *Be it further enacted, &c.,* That if a non-commissioned officer or private of the militia be accused of any disrespect or violence toward an officer while in the discharge of his duty, he shall be arrested and tried, and if found guilty, he shall be sentenced to pay a fine not exceeding five hundred dollars, or imprisonment in the parish prison not exceeding three months, or both, at the discretion of the court; that whenever a fine shall be thus imposed, it shall be the duty of the Provost Marshal of said court to collect the same, and also to arrest and imprison said offender, if so ordered by the court; and it shall be the duty of the keeper of the parish prison to receive and detain for the period specified by the sentence of the court, any person sentenced to imprisonment by any court-martial or court of assessment under this law.

SEC. 72. *Be it further enacted, &c.,* That the Provost Marshal is authorized to demand of any commander of the brigade, regiment, battalion or company, a sufficient detail of men to carry into effect the sentences of the court-martial or court of assessment.

SEC. 73. *Be it further enacted, &c.,* That all fines imposed and collected by a regimental court of assessment, shall be paid to the paymaster of said regiment, for a regimental fund, to be used for the expenses of said regiment, under the orders of the commanding officer.

SEC. 74. *Be it further enacted, &c.,* That the fines inflicted by courts-martial and a general court of assessment shall be paid into the State Treasury, when collected; those inflicted by brigade courts of assessment shall be paid to the paymaster of the brigade, and shall be appropriated to the payment of the expenses of said brigade.

SEC. 75. *Be it further enacted, &c.,* That whenever the forces or any part thereof of the State shall be called into active service, they shall receive the same pay and rations as are allowed by law to officers and men in the Confederate army belonging to the same class of service.

SEC. 76. *Be it further enacted, &c.,* That the Commander-in-Chief and Major General be, and the same are hereby authorized and required to make and adopt all rules and regulations, and to issue all orders necessary to carry out and put into immediate operation the provisions of this law.

SEC. 77. *Be it further enacted, &c.,* That the volunteer companies attached to militia regiments shall drill as often as the militia companies, and attend regimental and battalion drills; that they shall be subject to the same rules and fines regulating the militia, and shall make a report of the delinquencies and fines in the manner and form required of the militia officers.

SEC. 78. *Be it further enacted, &c.,* That all laws conflicting with

the provisions of this law be, and the same are hereby repealed, and that this law shall not have force and effect until the 15th day of February next.

ADOLPHUS OLIVIER,
Speaker of the House of Representatives.

HENRY M. HYAMS,
Lieutenant Governor and President of the Senate.

Approved January 23d, 1861.

THOS. O. MOORE,
Governor of the State of Louisiana.

A true copy.

PLINY D. HARDY,
Secretary of State.







